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Fresno, California

November 29, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Jay Trachman of Temple Beth Israel gave the invocation, and President Dages led the Pledge of Allegiance.

PROCLAMATION OF "CANDLELIGHT CHRISTMAS ON HUNTINGTON BOULEVARD" - PRESIDENT DAGES

Read and presented.

APPROVE MINUTES OF NOVEMBER 15, 2005:

On motion of Councilmember Perea, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of November 15, 2005, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

REQUEST TO FRESNO BEE TO CEASE PRACTICE OF DELIVERING UNSOLICITED ADVERTISEMENTS - COUNCILMEMBER DUNCAN

Councilmember Duncan expressed his concern stating unsolicited advertisements were delivered last Wednesday for the holiday weekend and those left out for days at homes where the people are away is something the criminal element/burglars look for and requested the Fresno Bee stop that practice.

(1) CALIFORNIA STATE CROSS COUNTRY FINALS EVENT AT WOODWARD PARK THIS PAST WEEKEND, AND (2) UPDATE ON PALM LAKES GOLF COURSE - COUNCILMEMBER WESTERLUND

Councilmember Westerlund spoke briefly to the successful event, and gave an update on the golf course issue and advised the RFP evaluation committee was recommending the one proposal not be accepted and the matter would be coming before Council on December 13th.

THANK YOU TO PENNY RAVEN FOR HER CONTRIBUTIONS TO THE COMMUNITY; FRESNO HIGH SCHOOL CHRISTMAS TREE LIGHTING CEREMONY; UPCOMING OPENING OF CHRISTMAS TREE LANE; AND OPENING OF NEW STORES AT THE VILLAGE AT FASHION FAIR MALL - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian thanked Ms. Raven for all she does and has done, and spoke briefly to the remaining issues stating it was good to see all these things happening and he was looking forward to the opening of the new stores.

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COMMENDATION TO CHIEF DYER AND HIS DEPARTMENT FOR TIME AND RESOURCES INVESTED IN ADDRESSING A HOME SELLING DRUGS IN DISTRICT 7 - COUNCILMEMBER PEREA

Commendation made.

WOODWARD PARK TURKEY TROT EVENT ON THANKSGIVING DAY - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated the event has grown over the years and encouraged everyone to think about participating in it next year.

(1) REQUEST STAFF INSTALL A TEMPORARY RIGHT-TURN LANE TO ALLEVIATE THE TRAFFIC BACK-UP PROBLEM ON BELMONT DUE TO COMPLETION OF FREEWAY 180 TO CLOVIS AVENUE; (2) PEACH AVENUE WIDENING PROJECT; AND (3) THANK YOU TO FAX FOR THE JENSEN/TENTH STREET BUS SHELTER - PRESIDENT DAGES

(1) Request made; (2) President Dages questioned if staff would be applying again for grant funds to widen Peach, with Assistant City Manager Ruiz stating he would look into the matter; and (3) thank you extended to FAX with President Dages stating Calwa was not being ignored.

APPROVE AGENDA:

(1-M) RESOLUTION - APPROVING THE FINAL MAP OF TRACT NO. 5359 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, NORTH SIDE OF W. HERNDON BETWEEN N. FRUIT AND N. WEST AVENUES, AND AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE NECESSARY DOCUMENTS

Laid over one week at the request of the developer.

(9:45 A.M.) HEARING TO CONSIDER AN APPEAL OF THE PLANNING COMMISSION'S ACTION APPROVING CUP NO. C-05-03 AND ENVIRONMENTAL FINDINGS, FILED BY CRICKET COMMUNICATIONS, PROPERTY LOCATED ON THE NORTHWEST CORNER OF E. BELMONT AND N. GARDEN AVENUES (CONTINUE TO DECEMBER 6, 2005, AT 4:00 P.M.)

City Clerk Klisch clarified the hearing was being continued to December 13th at 11:00 a.m. So noted.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

ADOPT CONSENT CALENDAR:

Councilmember Calhoun thanked DPU staff for their email response to him on Item **1-H** relative to additional contracts and how they might be handled; noted the *EVALUATION OF BID PROPOSALS* was missing from the staff report for item **1-I** and submitted the information into the record; pulled item **1-L** for discussion at 2:00 p.m. under contested consent; and commended Deputy City Attorney Fox and everyone else that was involved in item **1-P**.

Councilmember Boyajian pulled item **1-P** for discussion.

(1-A) APPROVE THE NINTH AMENDMENT TO THE AGREEMENT WITH CAMP DRESSER & MCKEE FOR ENVIRONMENTAL ENGINEERING SERVICES RELATING TO GROUNDWATER REMEDIATION ACTIVITIES AT THE SANITARY LANDFILL SUPERFUND SITE

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(1-B) APPROVE ACQUISITION OF A STREET EASEMENT FROM PROPERTY OWNED BY SKN PROPERTIES AT THE SOUTHWEST CORNER OF INYO AND CLOVIS AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR ASSISTANT TO ACCEPT THE DEED OF EASEMENT AND SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITION

(1-C) RESOLUTION NO. 2005-493 - INTENT TO ANNEX FINAL TRACT NO. 5414 TO CFD NO. 2, ANNEXATION NO. 105

(1-D) ADOPT RESOLUTION OF INTENTION NO. 1048-D TO VACATE A PORTION OF WEST AVENUE NORTH OF HERNDON AVENUE AND SETTING THE PUBLIC HEARING FOR JANUARY 3, 2006, AT 10:00 A.M.

(1-E) RESOLUTION NO. 2005-494 - APPROVING THE SUMMARY VACATION OF WEBER AVENUE BETWEEN CARNEGIE AND HAYES AVENUES

(1-F) APPROVE THE SALE OF 1,244 SQUARE FEET OF A SURPLUS STREET WIDENING PARCEL AT CEDAR AND MCKENZIE AVENUES TO THE ADJACENT PROPERTY OWNER, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY AND COMPLETE THE DISPOSAL OF EXCESS LAND TO THE ADJACENT PROPERTY OWNER CLORINDA ANN SAVEDRA

(1-G) EXTEND THE INTERIM REQUIREMENTS CONTRACT WITH KOCHERGEN FARMS COMPOSTING, INC. FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE THROUGH DECEMBER 31, 2005

1. EXTEND THE INTERIM REQUIREMENTS CONTRACT WITH WEST COAST WASTE, INC. FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE THROUGH DECEMBER 31, 2005

(1-H) DECLARING ACTARIS U.S. LIQUID MEASUREMENT, INC. NON-RESPONSIVE TO THE SPECIFICATIONS DUE TO SUBMISSION OF AN INCOMPLETE BID PROPOSAL, REJECTING THEIR BID PROPOSAL, AND AWARD A REQUIREMENTS CONTRACT, WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS, TO METRON FARNIER LLC IN THE AMOUNT OF \$150,659.68 TO PROVIDE SINGLE JET WATER METERS

(1-I) AWARD A CONTRACT FOR THE PURCHASE AND INSTALLATION OF BAGGAGE CLAIM EQUIPMENT FOR THE FEDERAL INSPECTION STATION (FIS) AT FRESNO YOSEMITE INTERNATIONAL AIRPORT (FYI) TO LLOYD W. AUBRY CO., INC. IN THE AMOUNT OF \$166,860

(1-J) RESOLUTION NO. 2005-495 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED BELMONT-FOWLER NO. 2 REORGANIZATION

1. AFFIRMING THE COUNCIL ACTION OF MAY 17, 2005, CERTIFYING EIR NO. 101133 AS RELATED TO THE FANCHER CREEK PROJECT

(1-K) APPROVE THE SECOND AMENDMENT TO THE AGREEMENT WITH CAROLLO ENGINEERS, P.C. IN THE AMOUNT OF \$500,000 FOR PROFESSIONAL ENGINEERING SERVICES RELATED TO THE MASTER PLAN UPDATE AT THE FRESNO-CLOVIS REGIONAL WASTEWATER RECLAMATION FACILITY, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE SAME

(1-N) RESOLUTION NO. 2005-496 - APPROVING THE FINAL MAP OF TRACT NO. 5210 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, NORTHWEST CORNER OF S. WILLOW AND W. JENSEN AVENUES, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR, PLANNING & DEVELOPMENT DIRECTOR, AND FIRE CHIEF TO EXECUTE THE NECESSARY DOCUMENTS

(1-O) BILL NO. B-134 - ORDINANCE NO. 2005-142 - AMENDING THE FRESNO MUNICIPAL CODE RELATING TO SPECIAL POLICE PROTECTION

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATIONS:

APPEARANCE BY MIKE PRANDINI, BUILDING INDUSTRY ASSOCIATION (BIA), STATING SUPPORT FOR **ITEM 1-L** (FIRE SERVICE TRANSITION AGREEMENT WITH THE NORTH CENTRAL FIRE PROTECTION DISTRICT)

Support expressed.

WALL STREET JOURNAL ARTICLE TITLED "STATE AND LOCAL OFFICIALS FACE LOOMING HEALTH CARE TAB" - COUNCILMEMBER CALHOUN

Councilmember Calhoun spoke to the article and requested staff let Council know where the City stands on this matter, with City Manager Souza advising the City does not pay for health care post-retirement but retirees have the option of staying in the system by purchasing that service. Brief discussion ensued.

SANTA FE DEPOT OPENING AND "WELCOME" SUGGESTIONS - COUNCILMEMBER CALHOUN

Councilmember Calhoun commended staff and everyone else involved in the station opening adding he has heard good things, and offered constructive suggestions including installing a "Welcome to Fresno" sign along with some colorful pots on the massive cement area and some landscaping on the street side of the building.

(9:05 A.M.) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF THE APPROVAL OF THE LEASE AND FINANCING AGREEMENTS WITH FRESNO'S CHAFFEE ZOO CORPORATION (FCZC) VETOED ON 11/14/05 - PRESIDENT DAGES

1. APPROVE AN AMENDED LEASE AGREEMENT AND FINANCING AGREEMENT WITH THE FCZC

President Dages advised he placed the matter on the agenda as a process to get to Item 1 and clarified he was not supportive of overriding the Mayor's veto. Upon question of Councilmember Duncan City Attorney Montoy stated Council needed to either move to override or move to not override the veto to finalize that action and then proceed to hear the new agreements. City Manager Souza added staff wanted to make sure there was conclusion of the veto issue before returning with lease and thanked President Dages for placing the matter on the agenda as requested.

Attorney Richard Harriman, 4321 N. West, Suite 106, representing Fresno Citizens Committee to Save Roeding Park and the Roeding Family, submitted a written letter into the record objecting to the revised agreement due to the language regarding expansion of the zoo facility, on file in the office of the city clerk, and stated he supported the Mayor's veto.

Councilmember Calhoun stating adding the Brown Act language to the agreement was probably the prudent thing to do, stated he was still not convinced the City should not have some financial obligation after the ten years and explained, and questioned why the new agreements could not be sent back to the Fresno Chaffee Zoo Corporation (FCZC) asking them to make the necessary adjustments rather than forcing this on them and added the City had not shared what they wanted in the contract with the FCZC. Mr. Souza **(2 - 0)** responded and stated it had to do with the timing of trying to get this transitioned by January 1st, elaborated further on issues, and upon further question clarified the continued subsidy issue was not brought up originally by staff due to the Blue Ribbon Committee (BRC) stating it was a deal breaker and also because there was a misunderstanding about it being part of the ballot initiative clarifying it was not and was a recommendation of the BRC. Councilmember Calhoun stated there was no magic with the January 1st date, Council needed to do this right, and the FCZC had also been working hard to do the right thing, and reiterated he wanted to give them one more opportunity to look at the agreements and renegotiate. Ms. Montoy clarified options whereupon Councilmember Calhoun stated he wanted to sustain the veto and then deal with the new agreements and made a motion to not override the veto, which motion was seconded by Councilmember Duncan.

Councilmember Boyajian stated he felt the Brown Act issue should be dealt with by the FCZC and their attorney but he was fine with it being included in the agreement; expressed concerns with (1) the controversy and accusations against Mr. Cowin, Mr. Woods and Mr. Weed stating he did not know what was going on but all of a sudden it was like a lynch mob, and stated that disturbed him, there was a lot of pettiness, and further elaborated, and (2) with the new lease not allowing for oversight by the City Council stating Council should be at the table and a provision should be included in the agreement; and stated he supported stepping back, looking at the big picture, and giving everyone involved the time to look at the agreements and understand all the ramifications of something that will be in place for 30

years.

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Councilmember Westerlund thanked the Mayor and Mr. Souza, noted a Council minority saw there were some problems and the opportunity was here to deal with issues of concern, and stated the new provisions made a lot of sense and urged approval of the motion. President Dages thanked the Mayor and also Councilmember Duncan who originally brought up the continued subsidy stating he was right and the opportunity was here to deal with it.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the Mayoral veto of the Lease and Financing Agreements with the Fresno Chaffee Zoo Corporation hereby sustained, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
None	:	None
Absent	:	None

1. APPROVE AN AMENDED LEASE AGREEMENT AND FINANCING AGREEMENT WITH THE FCZC

Briefly reviewed by Management Analyst Zieba who advised the amendments dealt with including Brown Act language, including a termination clause which does not substantively change the agreement, removal of the language concerning with the \$1.2 million and including language that future Councils can consider that, and change in the employee transition time. Upon question of Ms. Montoy for clarification, Mr. Souza stated numerical corrections to the legal description of the property would be made if the agreements are approved.

Speaking to the issue were: Shari Rainwater, who spoke briefly in support of the agreements and the two main changes, advised most importantly the AZA wanted a signed Lease now and it needed to be in place by January 1st or it would cost the zoo its accreditation and explained, and relative to concerns expressed stated the FCZC was moving forward and was ready to go; and Attorney Richard Harriman, 4321 N. West, Suite 106, representing Fresno Citizens Committee to Save Roeding Park and the Roeding Family, who referenced his letter submitted earlier, stated his support for including Brown Act language, spoke to CEQA and the zoo expansion noting language in the Lease and staff report appeared to indicate expansion was already approved and stated it would be best to exclude the expansion portion from the lease agreement and remove Council authority and explained, and responded to a question of President Dages relative to whether it was the intent of the Roeding Family to get their property back.

Councilmember Duncan spoke in support of the new agreements and to the removal of the \$1.2 million stating it was his feeling in 10 years and at the end of a \$100 million investment the Zoo will be unbelievable, stated if by some chance Measure Z is not renewed in 10 years \$1.2 million will not be of any help at all and the issue of actual/factual financial assistance/numbers should be discussed then, and stated he agreed with Members Westerlund and Boyajian on involving the City Council, with Ms. Souza advising that also was changed and the discretion now rested with the Council and not the city manager. Councilmember Duncan stated this was a big improvement and Council needed to act now to move forward and get over the controversies, and made a motion to approve the amended agreements, which motion was seconded by Councilmember Westerlund and later acted upon.

Extensive discussion ensued. Councilmember Calhoun spoke to the need for Council to do this right, stated he did not feel the AZA accreditation should be an issue and explained, stated he was strongly opposed to the motion and this was being forced on the FCZC, stated his desire was for all parties meet and confer and added it could all be done in December, and stated he appreciated Ms. Rainwater's presence/comments but she did not speak for the board who would be the ones who will carry on this task year after year and further elaborated.

Ms. Rainwater responded to questions of Councilmember Westerlund relative to whether the FCZC had an opportunity to digest the new terms, if support was the general consensus, if the board had a chance to review the new lease, if anything was being forced on them, and if the loss of accreditation was a reality, whereupon Councilmember Westerlund stated this was the right thing to do, elaborated further, and urged support of the motion. Ms. Montoy responded to questions of Councilmember Perea relative to whether an EIR would have to be conducted if the zoo expands, who would approve the EIR, and if Fresno County had the authority to request that FCZC members file conflict of interest statements. Councilmember Boyajian spoke additionally to the importance of Council being on top of everything, to the need to have a Council representative in place, to the need to include something in the contract, and on having regular updates, with Councilmember Duncan, Ms. Rainwater and Ms. Montoy responding and/or clarifying issues **(3 - 0)**.

Mr. Souza recognized and commended Ms. Zieba and Assistant City Attorney Hale for their work, clarified if this action is

approved the agreements would be presented to the Zoo board on Thursday for their consideration/action and if they reject it staff would return with modifications, and clarified any lease, negotiated or not, would still be subject to the FCZC's approval and added he was confident the lease would meet their expectations. Councilmember Calhoun stated there was no question this would be approved and added his concern was this going from a "deal-breaker" to "bring it on" and stated that was a serious problem of credibility to him and elaborated.

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Ms. Montoy noted the new agreement provided for the city council to extend the option as clarified earlier but further clarified that extension would be at the end of the 30 year period and not at 10 years. Relative to the "deal-breaker" comment, Mr. Souza clarified that was presented to city staff by the negotiation committee and it was never a formal statement of the FCZC and apologized if that was the impression.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Amended Lease and Financing Agreements between the City of Fresno and Fresno's Chaffee Zoo Corporation hereby approved, by the following vote:

Ayes	:	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	Calhoun
Absent	:	None

(2-A) RESOLUTION NO. 2005-497 - 43RD AMENDMENT TO AAR 2005-286 APPROPRIATING \$500,000 FOR THE PURPOSE OF FUNDING THE EXECUTION OF TWO PROFESSIONAL SERVICES AGREEMENTS WITH BERRYMAN & HENIGAR, INC. AND WILLDAN, RELATED TO THE PROCESSING OF DEVELOPMENT PROJECTS

Planning & Development Director Yovino reviewed the issue as contained in the staff report as submitted, stated outsourcing was working and to keep the momentum going recommended approval, and advised existing staff that are and will be working with the companies understood the purpose of the contracts was to deal with the inordinate high volume of complex projects.

Alex Correa, representing FCEA, stated although outsourcing was opposed in general he was not opposing this matter due to the need and thanked Mr. Yovino for meeting with affected employees.

Councilmember Duncan stated this was a good thing to do, the process made a lot of sense and city employees were protected, and commended staff and made a motion to approve, which motion was seconded and adopted after lengthy discussion.

Councilmember Westerlund noted he comes to work regularly on weekends and sees planners working diligently due to the high volume of work and stressed it was imperative this be done, and advised of a company that went to Visalia because they could get their plans turned around in 30 days. Councilmember Boyajian stated this was like putting a band-aid on skin cancer, he had a problem with outsourcing, and stressed the city of Fresno was changing and the department needed to reorganize and look internally at what they were doing. Councilmember Sterling stated she has always opposed outsourcing but concurred the need was here, concurred the city was growing and stated Councilmember Boyajian made some good points, and stated this was an opportunity to further create additional opportunities and this action was very important due to all the major projects in the works. Councilmember Perea commended staff for reaching out to the employees and spoke in support citing all the projects that are back-logged. Councilmember Westerlund stated Fresno had a reputation of not being able to turn out plans in a timely fashion and that did impact Fresno and added the city needed to overcome that reputation. Councilmember Boyajian stated department heads needed to look at what was going on and have a plan and explained, with City Manager Souza responding and stating the issue was how to balance this peak in work and staff felt this was the best approach so that employees are not hired and then laid off in a couple of years.

President Dages questioned if another Council meeting was needed in December to process site plans with Mr. Yovino and Mr. Souza stating another meeting focusing solely on planning items would help. President Dages asked Council to consider scheduling another meeting (which matter was later discussed and action was taken to meet on December 20th).

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution No. 2005-497 hereby adopted, and the City Manager or designee authorized to execute professional services agreements, subject to prior approval as to form by the city attorney's office, with Berryman & Henigar, Inc., in the amount of \$250,000, and with Willdan in the amount of \$250,000, for services relating to the processing of development projects hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(10:00 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 108, TRACT NO. 5278

1. RESOLUTION NO. 2005-498 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2005-499 - CALLING A SPECIAL MAILED-BALLOT ELECTION

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3. RESOLUTION NO. 2005-500 - DECLARING ELECTION RESULTS

4. BILL NO. B-140 - ORDINANCE NO. 2005-143 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

5. RESOLUTION NO. 2005-501 - APPROVING THE FINAL MAP OF TRACT NO. 5278 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, EASTERLY SIDE OF W. FIGARDEN DRIVE BETWEEN N. BRAWLEY AND N. SANTA FE AVENUES

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-498, 2005-499, 2005-500 and 2005-501 hereby adopted, and the above entitled Bill No. B-140 adopted as Ordinance No. 2005-143, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:05 A.M.) HEARING ON REZONE APPLICATION NO. R-05-07 AND ENVIRONMENTAL FINDINGS, FILED BY RICHARD ROGERS, PROPERTY LOCATED ON THE SOUTHEAST CORNER OF N. SUGAR PINE AND W. PINEDALE AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-05-07, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO B-141 - ORDINANCE NO. 2005-144 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-1 TO C-6

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Pagoulatos reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Calhoun, seconded by Councilmember Perea, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-07 dated September 15, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-141 adopted as Ordinance No. 2005-144, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:10 A.M.) HEARING ON REZONE APPLICATION NO. R-05-09 AND ENVIRONMENTAL FINDINGS, FILED BY JOHN MILLER, EAST SIDE OF N. VAN NESS AVENUE BETWEEN E. NEVADA AND E. MILDREDA AVENUES - 240 N. VAN NESS AVENUE

1. CONSIDER AND ADOPT E.A. NO. R-05-09, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-142 - ORDINANCE NO. 2005-145 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM C-5 TO R-P

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Pagoulatos reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Sterling, seconded by Councilmember Duncan, duly carried, RESOLVED, the environmental finding for E.A. No. R-05-09 that the proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-142 adopted as Ordinance No. 2005-145, by the following vote:

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Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(10:15 A.M.) HEARING ON CFD NO. 2, ANNEXATION NO. 107, TRACT NO. 5412

1. RESOLUTION NO. 2005-502 - ANNEXING TERRITORY AND AUTHORIZING THE LEVY OF A SPECIAL TAX

2. RESOLUTION NO. 2005-503 - CALLING A SPECIAL MAILED-BALLOT ELECTION

3. RESOLUTION NO. 2005-504 - DECLARING ELECTION RESULTS

4. BILL NO. B-143 - ORDINANCE NO. 2005-146 - LEVYING A SPECIAL TAX FOR PROPERTY TAX YEAR 2005-2006 AND FUTURE TAX YEARS

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-502, 2005-503 and 2005-504 hereby adopted, and the above entitled Bill No. B-143 adopted as Ordinance No. 2005-146, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(3-A) REQUEST STAFF INFORMATION ON GOVERNANCE POLICIES AND INCOME/EXPENDITURES FOR THE POLICE AND FIRE DEPARTMENT FOUNDATIONS - COUNCILMEMBER CALHOUN

Councilmember Calhoun read his memo to Council into the record, requested the information be provided by staff in writing at their convenience and made a motion requesting staff to provide the information outlined in his memo, clarified the purpose of this was not to criticize but to clarify the role of these two large foundations and elaborated, and upon his request City Attorney Montoy briefly explained how these foundations operate and what legal procedures they operate under.

Discussion ensued with Ms. Montoy and Councilmember Calhoun responding to questions and comments of Councilmembers Westerlund and Boyajian relative to whether the foundations were separate legal entities, if the City had any legal oversight over them, if there was any code/statute that gives authority to request information **(4 - 0)**, if the City could be held responsible for any potential misappropriation of funds, Council not having legal authority to *require* the foundations to submit information, if Councilmember Calhoun was requesting information from the foundations directly, and if it was legal for the foundations to use city phone numbers to solicit funds.

On motion of Councilmember Calhoun, seconded by President Dages, duly carried, RESOLVED, staff requested to (1) provide Council with Police and Fire Foundation governance policies including, but not limited to, selection/responsibilities of foundation board members, and financial information including, but not limited to, solicitation policies and income/expenditures; and (2) determine if responsibility/liability for the foundations, if any, remains with the City of Fresno, by the following vote:

Ayes : Boyajian, Calhoun, Perea, Sterling, Westerlund, Dages

Noes : Duncan
Absent : None

(10:45 A.M.) HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY TO INITIATE AN EMINENT DOMAIN ACTION TO ACQUIRE CERTAIN LEASE INTERESTS IN SEVEN VACANT PARCELS OF LAND OWNED BY THE CTY ON THE FRESNO YOSEMITE INTERNATIONAL AIRPORT FOR EXPANSION AND DEVELOPMENT OF A NEW CONSOLIDATED RENTAL CAR FACILITY - PROPERTY LOCATED NEAR THE INTERSECTION OF CLINTON AND FINE AVENUES, ALL OF WHICH ARE LEASED THROUGH A MASTER LEASE BY ALICE JOYCE GROVE AS SOLE SUCCESSOR TRUSTEE OF THE GROVE FAMILY TRUST OF 1987

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1. RESOLUTION NO. 2005-505 - DETERMINING THAT THE PUBLIC USE AND NECESSITY REQUIRE, AND AUTHORIZING EMINENT DOMAIN FOR, ACQUISITION OF LEASEHOLD INTERESTS IN SEVEN VACANT PARCELS OF REAL PROPERTY FOR EXPANSION OF RENTAL CAR FACILITIES AND CONSTRUCTION OF A CONSOLIDATED RENTAL CAR FACILITY AT FYI

President Dages announced the time had arrived to consider the issue and opened the hearing. Aviation Director Widmar gave an in-depth review of the issue and findings to be made, all as contained in the staff report as submitted.

Palmer McCoy, Hertz Rental Car, stated they were growing and out of space and urged support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Westerlund thanked staff for bringing this forward and for the improvements at the airport, stated this was the next step in continuing to provide better services for customers, and noted this was the city's property, made a motion to approve staff's recommendation, and urged support

Mr. Widmar, the project architect, and City Attorney Montoy responded to questions of Councilmember Boyajian relative to how long this project had been on the table, how it was introduced/proposed to Council, if this was the best site and why, if there were any alternate sites, project time line, projected income after completion, if the rental companies would assist financially, what formal offers were made, and if all legal requirements were complied with.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-505 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes : None
Absent : None

(11:00 A.M.) CONTINUED HEARING ON REZONE APPLICATION NO. R-04-103 AND ENVIRONMENTAL FINDINGS, FILED BY OWEN PURDY ON BEHALF OF ROBERT AND MARGARET SIMMERMAN, PROPERTY LOCATED ON THE EAST SIDE OF N. CHESTNUT BETWEEN E. GETTYSBURG AND E. INDIANAPOLIS AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-04-103, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-144 - ORDINANCE NO. 2005-147 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM R-2-A/cz TO R-2-A, WITH ADDED CONDITION OF SITE PLAN REVIEW BY COUNCIL

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Robert Wallace, representing the applicant, stated they wanted to enhance the neighborhood and spoke further to the project stating this would be an upscale development.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Westerlund stated he was supportive as the area needed assistance but he wanted to condition no more than 12 units on the 1.2 acre site and no more than 5 units for the remaining parcel, with City Attorney Montoy and Planning & Development

Director responding and clarifying issues. Councilmember Westerlund stated he also wanted to have the site plan return to Council and made a motion to approve staff's recommendation subject to a limitation of 12 units on this rezone and subject to the site plan returning to Council along with the operational/management statement. Councilmember Duncan requested clarification on what the operational statement was and questioned why it was appropriate for Council to get involved in that and if it would set any precedent, with Mr. Yovino responding.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, the environmental finding for E.A. No. R-04-103 dated April 27, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-144 adopted as Ordinance No. 2005-147, subject to a limitation of 12 units on this rezone and the site plan and operational statement returning to Council, by the following vote:

146-179

11/29/05

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : None
 Absent : None

(3-B) REQUEST STAFF TO IDENTIFY PROGRAM AND SALARY SAVINGS FROM UNFILLED POSITIONS IN THE EDUCATION SPENDING APPROPRIATIONS TO PROVIDE A MAXIMUM OF \$50,000 TO HIRE AN OUTSIDE INDEPENDENT AGENCY TO CONDUCT AN EVALUATION AND ASSESSMENT OF THE CITY'S MULTIPLE EDUCATION PROGRAMS AND INITIATIVES - COUNCILMEMBER CALHOUN

Councilmember Calhoun noted this request changed from the last one due to the concern raised by some members on the source of funding for the assessment, read his memo to Council into the record, and made a motion as outlined in the above title. Councilmember Duncan stated with all due respect to the city manager he felt it would be more appropriate to establish a Council committee and have Council hire the outside agency as was done with the Macias Group **(5 - 0)** stating if this was to be truly independent it needed to be independent from the city manager. City Manager Souza stated as he shared the last two times this was before Council staff was not supportive of this recommendation, noted staff currently assesses and evaluates programs internally, and clarified issues relative to using salary savings from vacant positions as the funding source. Upon call, the motion on the floor was seconded by Councilmember Perea. Councilmember Boyajian stated he would support Councilmember Duncan's suggestion and upon his question Councilmember Calhoun stated he would not amend his motion as it would send the wrong message to staff, stated he did not feel it was Council's responsibility to drive this process and explained, and stated he trusted the city manager to do this. Councilmember Boyajian spoke further to his support for Councilmember Duncan's suggestion.

A motion of Councilmember Calhoun, seconded by Councilmember Perea, to request staff to identify program and salary savings from unfilled positions in the Education spending appropriations to provide a maximum of \$50,000 to hire an outside independent agency to conduct an evaluation and assessment of the City's multiple education programs and initiatives failed, by the following vote:

Ayes : Calhoun, Perea, Sterling
 Noes : Boyajian, Duncan, Westerlund, Dages
 Absent : None

LUNCH RECESS - 11:49 A.M. - 2:01 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:

(1-L) RATIFY THE FIRE SERVICE TRANSITION AGREEMENT WITH THE NORTH CENTRAL FIRE PROTECTION DISTRICT AS NEGOTIATED BY STAFF AND APPROVED BY THE DISTRICT BOARD, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT

Councilmember Calhoun expressed concern with the agreement stating the parameters were beyond what was talked about and explained, questioned what price the City was going to pay, if the City was on the wrong side of the negotiated agreement, and if the City was going to do whatever North Central wanted, and stated he would not support something that to him was patently unfair and because North Central seemed to be saying "take it or leave it". Chief Bruegman stated this had been a complex issue and responded to

questions/concerns and explained issues at length.

Speaking in support of the agreement were: Mike Prandini, Building Industry Association; and Dennis Gaab, Centex Homes.

A motion and second was made to ratify the agreement as recommended. Chief Bruegman responded to questions of Councilmember Westerlund relative to how Oregon's system worked, if this had been the practice for the past 30-40 years, and if LAFCO allowing a number of annexations without an agreement in place would result in more favorable discussions/terms with North Central. Councilmember Calhoun clarified his problem was paying premiums and he was not opposed to the process, stated there was no need to rush here as this was a 20 year contract, stressed the City was going over the top and he would not support this, and stated North Central was not playing by the same rules and was being greedy and further elaborated.

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On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the fire service Transition Agreement with North Central Fire Protection District as negotiated by staff and approved by the District Board hereby ratified, and the City Manager authorized to execute the agreement, by the following vote:

Ayes :	Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian, Calhoun
Absent :	None

(1-P) BILL NO. B-145 - AMENDING AND ADDING TO THE FRESNO MUNICIPAL CODE RELATING TO SIGN VIOLATIONS ON PUBLIC PROPERTY

Upon Councilmember Boyajian's request, City Attorney Montoy clarified this ordinance allowed the City much greater flexibility and ability to remove unlawful signs from public property, noted at present the City did have that ability but it was a long process, relative to exceptions being made for certain individuals (Realtors) Ms. Montoy stated this ordinance did not make changes in what kinds of signs are permitted or not permitted and added those types of signs could be treated on a case by case basis like the tree ordinance. Councilmember Duncan and President Dages thanked the city attorney for this ordinance stating it would greatly assist code enforcement and improve neighborhood aesthetics.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-145 introduced before the City Council and laid over, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

CONSIDER SCHEDULING AN ADDITIONAL CITY COUNCIL MEETING IN DECEMBER - PRESIDENT DAGES

President Dages questioned if Council wanted to schedule an additional meeting on either December 20th or 27th for uncontroversial planning & development items only. Councilmember Boyajian stated he would not support any more meetings as that was during the holidays and advised he had commitments and stated scheduling another meeting would be a burden on him. Councilmember Calhoun concurred stating he also did not want another meeting scheduled. Upon question, City Manager Souza stated with the contract approved earlier the department would have 10 projects processed internally and ready for action should Council set another meeting adding an additional meeting would provide an opportunity to expedite the process. A motion and second was made to schedule a meeting on December 20th from 8:30 a.m. - 12:00 noon. Councilmember Calhoun spoke in strong opposition stressing a Council calendar/schedule was approved and had been in place for some time, advised he already made plans for the 20th, and stated the meeting would be for the benefit of developers only and urged Council to not schedule the meeting.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, a City Council meeting to be held on December 20, 2005, from 8:30 a.m. - 12:00 noon for uncontroversial planning & development department items only, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian, Calhoun
 Absent : None

Councilmember Calhoun advised he would not attend the meeting due to his plans.

(2:00 P.M. #2) CLOSED SESSION - CONFERENCE WITH LEGAL COUNSEL:

(A) EXISTING LITIGATION - CASE NAMES:

1. CALTRANS V. COF (SPALDING WATHEN, REAL PARTY INTEREST)

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11/29/05

2. MEDICAL ADVOCATES FOR HEALTHY AIR ET AL., V. COF, ET AL., (FANCHER CREEK PROPERTIES, ET AL., REAL PARTIES IN INTEREST)

3. DUPONT COMMERCIAL FLOORING SYSTEMS, INC., ETC. V. COF, MAULDIN-DORFMEIER CONSTRUCTION INC., ET AL, AND CONSOLIDATED AND CROSS-ACTIONS

4. COF V. DANIEL JAMES KELLER, ET AL.

(B) ANTICIPATED LITIGATION/ SIGNIFICANT EXPOSURE TO LITIGATION: ROLANDO GASCA CELDON V. COF, ET AL.

(C) DECIDING WHETHER TO INITIATE LITIGATION - COF V. FRESNO CERTIFIED DEVELOPMENT CORPORATION

The City Council met in closed session in Room 2125 at the hour of 2:43 p.m. to consider the above matters and reconvened in regular open session at 4:06 p.m.

(2:30 P.M.) HEARING REGARDING NAMING THE NEW CITY PARK AT MAPLE AND PLYMOUTH AVENUES "TODD BEAMER PARK" - COUNCILMEMBER DUNCAN

President Dages announced the time had arrived to consider the issue and opened the hearing. **(6 - 0)** Councilmember Duncan referenced his report to Council stating it was self-explanatory, commented briefly stating Mr. Beamer was instrumental in saving the White House or the Capitol and was a true American, and made a motion to approve the naming.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the new city park at Maple and Plymouth Avenues to be named "Todd Beamer Park", by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
 Noes : Boyajian
 Absent : None

(3:00 P.M.) HEARING TO CONSIDER AWARDED CONTRACTS FOR THE CITY'S BIOSOLIDS AND GREEN WASTE RECYCLING AND REUSE AND ADOPT ENVIRONMENTAL FINDINGS

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT (E.A.) NO. 05-38, FINDING OF CONFORMITY TO PROGRAM EIR (FRESNO COUNTY AND INCORPORATED CITIES SOURCE REDUCTION AND RECYCLING ELEMENTS/HOUSEHOLD HAZARDOUS WASTE ELEMENTS) SCH NUMBER 91112002 PURSUANT TO CALIFORNIA PUBLIC RESOURCES CODE SECTION 15168(c)

2. AWARD A FIVE-YEAR CONTRACT WITH OPTIONAL EXTENSIONS TO WEST COAST WASTE, INC., TULE RANCH/MAGAN RANCH, AND EARTHWISE ORGANICS, INC., FOR BIOSOLIDS AND GREEN WASTE RECYCLING AND/OR REUSE

President Dages announced the time had arrived to consider the issue and opened the hearing.

Interim Public Utilities Director Weimiller gave an in-depth overview including an explanation of the materials at issue, the RFP process, and the challenges staff became aware of after the Evaluation Committee made their recommendations relative to whether or not there was sufficiency in the environmental work done, Kern County's issues/concerns on transferring biosolids there, and numerous communications on a variety of topics from McCarthy Family Farms and responded to those issues; stated there was a character assassination of Interim PUD Manager Skinner and explained issues relative thereto; advised of and made a technical correction to the SCH Number from 91112001 to 91112002; and stated the City was taking steps to become self-sufficient and these services were needed until the city's composting facility is constructed and recommended approval.

146-182

11/29/05

Speaking to the issue were: Senator Dean Florez who advised of Kern County's ballot initiative to ban sewage sludge application, requested Council delay action until the voters make a decision in June 2006, and spoke briefly to environmental concerns; Robert Dowd, Law Firm of Griswold, LaSalle, Cobb, Dowd & Gin, Hanford, who concurred with Senator Florez and requested Council reject staff's recommendation stating the presentation was flawed and CEQA was not followed and explained; Lloyd Fryer, Kern County Water Agency, who spoke further to Kern County's concerns and the risks of sludge applications treated or not; Charles Collins, Kern County Deputy County Counsel, who spoke in opposition to the contract with Tule Ranch/Magan Ranch and to CEQA issues; Alvin Thomas, Executive Vice President and General Counsel for Synegrow Technologies, parent company of Earthwise Organics, who spoke to Earthwise's facility/operation and how they had nothing to do with Kern County; Victoria Salisch, representing Waste Coast Waste, Inc., who stated green waste was being dragged along with the issue of biosolids and requested Council award the contract to them as recommended; and Shane McGann, Tule Ranch/Magan Ranch, who responded to concerns expressed and spoke to his operation (7 - 0).

Upon call, no one else wished to be heard and President Dages closed the public hearing.

Mr. Weimiller and Senator Florez responded to questions of Councilmember Duncan and clarified issues relative to whether Fresno's biosolids currently ended up in Kern County today, how many tons a year went there, if this proposal would reduce those 110,000 tons, where Kern County sent their biosolids, Senator Florez clarifying they were fine with composting and their issue was land application and poisoning of the land, if the same composting process would continue under the new contract, and why Kern County has not revoked the CUP that allows disposal of biosolids in that county if this material is so dangerous and such a health hazard.

Councilmember Duncan made a motion to approve the Environmental Assessment and award the contract to West Coast Waste, Inc., as recommended by staff, which motion was seconded by Councilmember Perea. Councilmember Duncan stated approving the contract with Tule Ranch/Magan Ranch would reduce the amount of biosolids going to Kern County, made a motion to award that contract as recommended, and stated he was seeing a lot of nimbyism going on.

Upon question of Councilmember Perea, Mr. Weimiller stated Earthwise took Fresno's material Merced County and not to Kern County. Councilmember Perea stated he was comfortable with awarding the contracts to West Coast Waste and Earthwise but not to Tule Ranch/Magan Ranch as he felt it was unfair for Fresno to determine the quality of life for Kern County, clarified he did not want to reject the contract and only wanted Council to delay action until Kern County voters make a decision in June, and requested Council be a good neighbor and let Kern County determine their own fate.

Councilmember Duncan made a motion to award the contract to Earthwise Organics as recommended, which motion was seconded by Councilmember Perea.

Councilmember Perea made a motion to table the Tule Ranch/Magan Ranch contract to June 2006.

Extensive discussion ensued. Councilmembers Boyajian, Westerlund and Sterling spoke to the issue and presented questions, comments and/or concerns at length relative to the need to conduct a proper EIR, the Program EIR having nothing to do with the subject matter, if an EIR/study was conducted on where this material would be sent to, concern with boot-strapping this on a 1993 EIR, need to analyze the sludge, sites and if alternatives were looked at, need to protect the people, concern with the unknowns and health risks, major litigation occurring if the contracts are approved, the process being tainted, CEQA being drastically violated, the city's current process, who the current contractor was, how Kern County processes their biosolids, numerous technical questions relative to the process/materials/grades/land application/testing, CEQA issues, Tule/Magan Ranch's permit, the staff issue, if all the bidders/proposers

knew who the committee members were **(8 - 0)**, if any objections were raised, how Kern County got to the point of a ballot initiative, if a full EIR/CEQA would come in after the election, if there was any statistical data indicating health problems, if Senator Florez was supportive of the contracts with West Coast Waste and Earthwise, material makeup, EIR issues, Fresno's policy versus Kern County's, concern with the subject E.A., need to give Kern County the time requested, need for an EIR/research/whatever is necessary to determine what is in the material, if Kern County's legislation will deal with what comes in/what goes out, and if there was a strong lobby against Kern's ballot initiative. Mr. Weimiller, the Chief Executive Officer of McCarthy Family Farms, Mr. McGann, Mr. Collins and Senator Florez responded throughout to questions and comments.

For clarity Ms. Montoy advised there was a difference between biosolids and composting objections versus biosolids and land application objections and noted the majority of the objections dealt with land application, and relative to Councilmember Sterling voicing concern with the EA yet indicating she was supportive of awarding the contracts advised if any member has a problem with the EA they could not proceed to award the contracts and explained.

146-183

11/29/05

(#1) On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, Environmental Assessment (E.A.) No. 05-38, Finding of Conformity under Program EIR (Fresno County and Incorporated Cities Source Reduction and Recycling Elements/Household Waste Elements) SCH #9112002 pursuant to California Public Resources Code Section 15168(c) hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Westerlund, Dages
 Noes : Boyajian, Sterling
 Absent : None

(#2) On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, a five year contract with optional extensions hereby awarded to West Coast Waste, Inc., of Fresno for the annual estimated amount of \$1,100,000 to process an annual estimated amount of 50,000 tons of green waste at \$22.00 per ton, by the following vote:

Ayes : Calhoun, Duncan, Perea, Westerlund, Dages
 Noes : Boyajian, Sterling
 Absent : None

A motion of Councilmember Perea, seconded by Councilmember Sterling, to table the awarding of a five year contract with optional extensions to Tule Ranch/Magan Ranch of Fresno for the annual estimated amount of \$1,187,500 to process an annual estimated amount of 47,500 tons of biosolids at \$25.00 per ton to June 2006 failed, by the following vote:

Ayes : Perea, Sterling, Dages
 Noes : Boyajian, Calhoun, Duncan, Westerlund
 Absent : None

(#3) A motion of Councilmember Duncan, seconded by Councilmember Westerlund, to award a five year contract with optional extensions to Tule Ranch/Magan Ranch of Fresno for the annual estimated amount of \$1,187,500 to process an annual estimated amount of 47,500 tons of biosolids at \$25.00 per ton failed, by the following vote:

Ayes : Calhoun, Duncan, Westerlund
 Noes : Boyajian, Perea, Sterling, Dages
 Absent : None

(#4) On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, a five year contract with optional extensions hereby awarded to Earthwise Organics, Inc., of Fresno for the annual estimated amount of \$1,827,500 to process an annual estimated amount of 50,000 tons of biosolids at \$21.50 per ton, and an annual estimated amount of 35,000 tons of green waste at \$21.50 per ton, by the following vote:

Ayes : Calhoun, Duncan, Perea, Westerlund, Dages
 Noes : Boyajian, Sterling
 Absent : None

Upon question of President Dages, Ms. Montoy clarified since #3 was not awarded staff would now have to determine how they wanted to proceed with the handling of material that would have been the subject of that contract then bring it back to Council and proceed with the various studies, etc.

(3:30 P.M.) HEARING ON REZONE APPLICATION NO. R-04-111 AND ENVIRONMENTAL FINDINGS, FILED BY DAVID MOTES, SOUTHWEST CORNER OF N. ARMSTRONG AND E. SHIELDS AVENUES

1. CONSIDER AND ADOPT E.A. NO. R-04-111, FINDING OF CONFORMITY TO THE GENERAL PLAN MEIR

2. BILL NO. B-145 - ORDINANCE NO. 2005-148 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SUBJECT PROPERTY FROM AE-20 TO C-M/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Planner Sanchez reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

146-184

11/29/05

Gary Horn, Yamabe and Horn, stated he agreed with the staff report and urged approval.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Horn responded briefly to questions of Councilmember Westerlund and clarified issues relative to zoning, a site plan, and the proposed buildings being similar to the project at Fowler/Shields. Councilmember Westerlund stated this was a good project and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Upon question of Councilmember Boyajian, Mr. Sanchez advised the site plan would not be coming to Council but that could be made a condition of zoning, and upon further question Councilmember Westerlund stated he was not willing to add that condition. Councilmember Boyajian stated there may be impacts to the area that Council needed to know about and without a Council site plan review he could not support the motion. Upon the request of Councilmember Westerlund, Planning & Development Director Yovino explained why site plans usually come to Council.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, E.A. No. R-04-111 dated October 13, 2005, that the project proposal conforms to the provisions of the General Plan MEIR hereby approved, and the above entitled Bill No. B-145 rezoning the subject site adopted as Ordinance No. 2005-148, by the following vote:

Ayes :	Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	Boyajian
Absent :	None

(3:45 P.M.) REGULAR MEETING OF THE REDEVELOPMENT AGENCY

The City Council adjourned their meeting at 6:23 p.m. and convened in regular session as the Redevelopment Agency.

APPROVE AGENCY MINUTES OF NOVEMBER 15, 2005

On motion of Vice Chair Westerlund, seconded by Member Perea, duly carried, RESOLVED, the Agency minutes of November 15, 2005, approved as submitted.

("A") CONSIDER ACTIONS RELATING TO THE PROPOSED HOPE VI RESIDENTIAL AND COMMERCIAL MIXED-USE PROJECT

1. AGENCY RESOLUTION NO. 1667 - APPROVING A REPLACEMENT HOUSING PLAN FOR THE HOPE VI PROJECT (RELATING TO PROPERTY ACQUISITION IN THE SOUTHWEST FRESNO GENERAL NEIGHBORHOOD RENEWAL AREA)

Member Sterling advised her family owned property in the Hope VI area, recused herself from the proceedings, and left the meeting at 6:24 p.m.

Project Manager Freeman reviewed the issue, all as contained in the staff report as submitted and recommended approval.

On motion of Member Duncan, seconded by Member Perea, duly carried, RESOLVED, the above entitled Agency Resolution No. 1667 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Boyajian
Noes : None
Absent : None
Recused : Sterling

2. APPROVE ACQUISITION OF THREE PROPERTIES IN THE HOPE VI PROJECT LOCATED AT 227 E. GEARY, 104 E. LORENA AND 233 E. GEARY (APPROVAL OF PROPERTIES AT 227 AND 233 E. GEARY TO BE CONTINGENT UPON THE COMPLETION OF THE 30 DAY COMMENT PERIOD FOLLOWING THE ADOPTION OF THE HOPE VI REPLACEMENT HOUSING PLAN - ABOVE RESOLUTION NO. 1667)

Senior Real Estate Agent Hansen reviewed the issue as contained in the staff report as submitted, clarified the vacant parcel would not be impacted by the Replacement Housing Plan's 30 day comment period as no one was being displaced, and recommended approval.

146-185

11/29/05

On motion of Member Perea, seconded by Vice Chair Westerlund, duly carried, RESOLVED, the acquisition of the subject properties in the Hope VI Project area bounded by California, Walnut, Florence and Plumas Avenues west of Edison High School hereby approved, contingent upon the completion of the 30 day comment period on the Hope VI Replacement Housing Plan just adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Westerlund, Boyajian
Noes : None
Absent : None
Recused : Sterling

ADJOURNMENT

There being no further business to bring before the Agency and Council, the hour of 6:28 p.m. having arrived and hearing no objections, Chair Boyajian declared both meetings adjourned.

Approved on the 6th day of December, 2005.

_____/s/_____
Tom Boyajian, Agency Chairman

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

146-186

11/29/05